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8 Attorneys for the Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)

12 Plaintiff,)

13 v.)

14 DARVELLE SMITH,)

15 Defendant.)

) No. CR-07-00234-MJJ

) STIPULATION AND ORDER
) TO CONTINUE DATE OF EVIDENTIARY
) HEARING ON FORM 12 PETITION

16 _____)
17 It is hereby stipulated, by and between the parties that the evidentiary hearing on
18 defendant's Form 12 petition be continued from Friday, October 26, 2007 at 2:30 p.m. to Friday,
19 November 9, 2007 at 2:30 p.m.

20 The stipulation is based on the fact that government counsel must be out of town on
21 Friday, October 26 and defense counsel is currently in trial. He needs additional time to prepare
22 this matter. Moreover, both counsel need further opportunity to see if the possibility of an
23 agreement can be reached.

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1 As such, the parties respectfully request that the matter be continued to November 9,
2 2007 at 2:30 p.m. for either an evidentiary hearing on Mr. Smith's Form 12 or to bring a joint
3 resolution of the petition to this Court.

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5 DATED: October 23, 2007

Respectfully submitted,

6
7 /s/
8 KIMBERLY M. BRIGGS
Assistant United States Attorney

9 DATED: October 23, 2007

10 /s/
11 RICHARD HOVE
Attorney for Darvelle Smith

12 **IT IS SO ORDERED.**

13
14 DATED: 10/25/07

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16 MARTIN J. JENKINS
United States District Judge

